

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BERNARD J. LAVERTY, JR.,

Plaintiff,

vs.

DAVID G. MASSAD, DAVID MANDARA
MARCELLO MALLEGNI, BRENDA L. MALLEGNI
SUSAN ALDEN, DAVID KOZIAK
MICHAEL NORRIS, JANE NORRIS
HEIDI NORRIS, WILLIAM DEPIETRI
COMMERCE BANK AND TRUST COMPANY
LBM FINANCIAL, LLC
WOLFPEN FINANCIAL, LLC,
and STONE SERVICES, INC.

Defendants,

Civil Action No.
08-40126-FDS

STIPULATION OF DISMISSAL OF BERNARD LAVERTY'S CLAIMS
AGAINST WILLIAM DEPIETRI AND WOLFPEN FINANCIAL, LLC

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) the remaining parties hereto stipulate to the dismissal of all claims of plaintiff, Bernard J. Lavery, Jr. only against defendants, William Depietri and Wolfpen Financial, LLC only, with prejudice and with each party to bear its own legal fees and costs. The existing claims against the remaining parties in this case are not dismissed.

BERNARD J. LAVERTY, JR.

By/s/ Ronald W. Dunbar, Jr.

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WILLIAM A. DEPIETRI

By/s/ John A. Mavricos

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LBM FINANCIAL, LLC,
WOLFPEN FINANCIAL, LLC,
MARCELLO MALLEGNI,
SUSAN ALDEN,
DAVID KOZIK and
STONE SERVICES, INC.

By/s/ Evans J. Carter

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MICHAEL J. NORRIS

By/s/ Robert A. McCall

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DAVID MASSAD and
DAVID MANDARA

By/s/ David H. Rich

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CERTIFICATE OF SERVICE

I, John A. Mavricos, hereby certify that on this 1st day of March, 2010, I served the foregoing on all counsel of record by causing a copy of same to be delivered by electronic notification (NEF) to all registered participants in this case and by first class mail, postage prepaid, to all non-registered participants in this case.

/s/ John A. Mavricos

John A. Mavricos

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